

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
ADRIANNA SPITZER, :  
:  
Plaintiff, : 20cv02000 (DLC)  
:  
-v- : ORDER  
:  
CELESTIAL SEASONINGS, INC., :  
:  
Defendant. :  
:  
-----X

DENISE COTE, District Judge:

On July 27, 2020, defendant filed a motion to dismiss the complaint pursuant to Rule 12(b)(6), Fed. R. Civ. P. Under Rule 15(a)(1)(B), Fed. R. Civ. P., a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by **August 21, 2020**. It is unlikely that plaintiff will have a further opportunity to amend.

IT IS FURTHER ORDERED that if no amended complaint is filed, plaintiff shall file any opposition to the motion to dismiss by **August 21, 2020**. Defendant's reply, if any, shall be filed by **September 4**.

IT IS FURTHER ORDERED that, pursuant to Rule 4(B) of the Court's Individual Rules of Practice in Civil Cases, the plaintiff shall file on ECF, by **August 21**, a letter no longer

than two pages explaining the basis for her belief that diversity of citizenship exists.

IT IS FURTHER ORDERED that the initial pretrial conference scheduled for **July 31, 2020** is adjourned sine die.

Dated:      New York, New York  
                July 28, 2020

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge